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1638- PATENT

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Attorney's Docket No. 9052-84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Denecke et al.  
Serial No.: 09/868,434  
Filed: June 15, 2001  
For: PLANT PATHOGEN RESISTANCE

Group Art Unit: 1638  
Examiner: A. Kubelik

Date: July 17, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response and Election of Claims**

Sir:

Responsive to the Office Action dated June 17, 2003, it is respectfully requested that this application be reconsidered in view of the following remarks.

**REMARKS**

Claims 1-11 and 14-16 are pending in this application. The Office Action states that the claims lack a single inventive concept under PCT Rule 13.1 and has restricted the claims as follows:

**Group I** (Claims 1-5, 7, 10-11 and 14-16): drawn to a method comprising causing a plant to maintain a level of BiP greater than the endogenous level in a plant by overexpressing BiP.

**Group II** (Claims 1-4, 6, 10-11 and 14-15): drawn to a method comprising causing a plant to maintain a level of BiP greater than the endogenous level in a plant by overexpressing calreticulin.

**Group III** (Claims 1-4, 8, 10-11 and 14-15): drawn to a method comprising causing a plant to maintain a level of BiP greater than the endogenous level in a plant by modifying a signal transduction pathway leading to BiP induction.

The Office Action states that there is not a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the claim groups lack a